IN THE HIGH COURT OF DELHI

Bail Application No.1442/2007

Mukta Gupta & Anr. ..... Petitioners
! through: Mr. Madan Lal, Advocate,
Mr. Ravi Bhushan, Advocate,
Mr. Sumit Tyagi, Advocate with
petitioners in person

VERSUS

$ State & Ors. ..... Respondents
^ through: Mr.Pawan Sharma, Advocate
for the State
Mr. Neeraj Pandey, Advocate for the
complainant with complainant in
person.

% DATE OF DECISION: 19.09.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether judgment should be reported in Digest?

: **PRADEEP NANDRAJOG, J.** (Oral)

FIR No.632/2007 dated 29.6.2007
U/s. 380/34 IPC
P.S. Sangam Vihar

1. Complainant, Diwakar informed the police that on 24.6.2007 at about 1:00 p.m. his daughter Mukta eloped with one Mahender. He stated that his daughter had taken away Rs.2 lacs, around 30 tolas of gold and 1 kg silver which he had

purchased for her marriage. He stated in the complaint that he had seen his daughter leave the house with a bag and had seen Mahender standing in the street with empty hands. That he soon saw Mahender walk away with the bag in his hand.

2. On the basis of the complaint lodged by Diwakar, afore-noted FIR was registered.

3. Petitioners are Mukta and Mahender. They seek anticipatory bail.

4. It is urged by learned counsel for the petitioners that the version of the complainant in the FIR is ex facie false. If complainant saw his daughter leave the house with a bag and he saw Mahender standing on the street empty handed and soon thereafter saw Mahender leaving with a bag, there was no reason for the complainant not to lave lodged a complaint there and then. It is urged by learned counsel for the petitioners that the FIR in question was lodged on 29.6.2007. It is further urged by learned counsel for the petitioners that if daughter of the complainant had eloped with so much cash and jewellery on 24.6.2007 and indeed complainant had seen his daughter leave the house with a bag, his reaction would have been to immediately check the valuables in the house.

5. It is further urged by learned counsel for the petitioner

that even as per the version of the complainant the cash and jewellery was for the marriage of petitioner No.1.

6. In lighter vein, counsel urges that if at all petitioner No.1 has taken along with her money and jewellery, as per the FIR it was intended to be hers.

7. I had spoken to the petitioners and the complainant in the chamber to try and resolve the issue.

8. Whereas petitioners expressed a desire and willingness to seek blessings of the complainant, the complainant is not ready to forgive his daughter and his son-in-law.

9. I may note a fact, not disputed by the complainant who is present in person, that he stands convicted for an offence under Section 302 IPC and is currently on bail. His bail is pending consideration in this court.

10. Learned counsel for the State assures the court that the Investigating Officer would probe the issue with respect to means of the complainant before taking any further action against the daughter and son-in-law of the complainant.

11. I am sure, the learned Investigating Officer would be conscious of the nature of the allegations in the FIR and the delay in lodging the FIR.

12. Noting the special features of the instant case as noted

above, the petition stands disposed of directing that in the event of being arrested by the IO, petitioners would be released on bail on each furnishing a personal bond in sum of Rs.5000/- with one surety in the like amount to the satisfaction of the IO.

13. Needless to state, petitioners would cooperate in the investigation.

14. Dasti.

September 19, 2007 **PRADEEP NANDRAJOG, J.**
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